

94TH CONGRESS
1ST SESSION

H. R. 9630

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 1975

Mr. MACDONALD of Massachusetts (for himself, Mr. FREY, Mr. MURPHY of New York, Mr. CARNEY, Mr. BYRON, Mr. WIRTH, Mr. BRODHEAD, and Mr. MADIGAN) introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To extend the Educational Broadcasting Facilities Program and to provide authority for the support of demonstrations in telecommunications technologies for the distribution of health, education, and social service information, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Educational Broadcast-
4 ing Facilities and Telecommunications Demonstration Act of
5 1975".

6

PURPOSE

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SEC. 2. (a) Part IV of title III of the Communications
8 Act of 1934 is amended by striking out the heading of such

1 part and inserting in lieu thereof "ASSISTANCE FOR NON-
2 COMMERCIAL EDUCATIONAL BROADCASTING FACILITIES;
3 TELECOMMUNICATIONS DEMONSTRATIONS; CORPORATION
4 FOR PUBLIC BROADCASTING".

5 (b) Subpart A of such part is amended by striking out
6 the heading of such subpart and inserting in lieu thereof
7 "ASSISTANCE FOR NONCOMMERCIAL EDUCATIONAL BROAD-
8 CASTING FACILITIES AND TELECOMMUNICATIONS DEMON-
9 STRATIONS".

10 (c) Section 390 of such Act is amended to read as
11 follows:

12 "DECLARATION OF PURPOSE

13 "SEC. 390. The purposes of this subpart are (1) to
14 assist (through matching grants) in the construction of non-
15 commercial educational television or radio broadcasting fa-
16 cilities, and (2) to demonstrate (through grants or con-
17 tracts) the use of telecommunications technologies for the
18 distribution and dissemination of health, education, and other
19 social service information."

20 AUTHORIZATION OF APPROPRIATIONS

21 SEC. 3. Section 391 of the Communications Act of 1934
22 is amended to read as follows:

23 "SEC. 391. There are authorized to be appropriated
24 \$7,500,00 for the period July 1, 1976, through September

1 30, 1976, and \$30,000,000 for the fiscal year ending Sep-
2 tember 30, 1977, to assist (through matching grants) in
3 the construction of noncommercial educational television
4 or radio broadcasting facilities as provided in this subpart.
5 Sums appropriated under this section for any fiscal year or
6 period shall remain available for payment of grants for proj-
7 ects for which applications approved under section 392 have
8 been submitted under such section within one year after
9 the last day of such fiscal year or period.”

10 CRITERIA FOR BROADCAST FACILITIES CONSTRUCTION

11 SEC. 4. (a) Section 392 (a) (1) of the Communications
12 Act of 1934 is amended by striking out clause (C) and
13 inserting in lieu thereof “(C) a public or private nonprofit
14 college or university,”.

15 (b) Section 392 (d) of such Act is amended to read
16 as follows:

17 “(d) (1) The Secretary shall base his determinations
18 of whether to approve applications for television grants
19 under this section and the amount of such grants on criteria
20 set forth in regulations and designed to achieve (A) a
21 strengthening of the capability of existing noncommercial
22 educational television stations to provide local services; (B)
23 the adaptation of existing noncommercial educational tele-
24 vision facilities to broaden educational uses; and (C) ex-

1 tension of noncommercial educational television services,
 2 with due consideration to equitable geographic coverage
 3 throughout the United States.

4 “(2) The Secretary shall base his determination of
 5 whether to approve applications for radio grants under this
 6 section and the amount of such grants on criteria set forth in
 7 regulations and designed to achieve (A) extension of non-
 8 commercial educational radio services with due consideration
 9 to equitable geographic coverage throughout the United
 10 States; (B) a strengthening of the capability of existing
 11 noncommercial educational radio stations to provide local
 12 service; and (C) the provision of multiple radio stations in
 13 major population centers to broaden services for special
 14 interest, minority, and educational uses.”.

15 **COORDINATION**

16 **SEC. 5.** Section 395 of the Communications Act of 1934
 17 is amended to read as follows:

18 **“COORDINATION WITH THE COMMISSION AND THE**

19 **CORPORATION**

20 **“SEC. 395.** The Federal Communications Commission
 21 is authorized to provide such assistance in carrying out the
 22 provisions of this subpart as may be requested by the Secre-
 23 tary. The Secretary shall provide for close coordination with
 24 the Federal Communications Commission in the administra-

tion of his functions under this subpart which are of interest to or affect the functions of the Commission. The Secretary shall provide for close coordination with the Corporation for Public Broadcasting in the administration of his functions under this subpart which are of interest to or affect the functions of the Corporation.”.

CONSTRUCTION

SEC. 6. Section 397 (2) of the Communications Act of 1934 is amended to read as follows:

“(2) The term ‘construction’, as applied to educational television broadcasting facilities or educational radio broadcasting facilities, means the acquisition and installation of transmission and reception apparatus (including towers, microwave equipment, boosters, translators, repeaters, mobile equipment, video recording equipment, nonvideo recording equipment, radio subcarrier receivers, and satellite transceivers) necessary for television broadcasting or radio broadcasting, as the case may be, including apparatus which may incidentally be used for transmitting closed circuit television or radio programs, but such term does not include the construction or repair of structures to house such apparatus. In the case of apparatus, the acquisition and installation of which is so included, such term also includes planning therefor.”.

AUDIO RECORDING EQUIPMENT

SEC. 7. Section 399 (b) of the Communications Act of 1934 is amended by adding at the end thereof the following new paragraph:

“(5) From amounts appropriated pursuant to section 391 after the date of enactment of this paragraph, the Secretary may make a grant to any licensee of a noncommercial educational broadcast station who received assistance under this part of the full amount necessary to acquire equipment to permit such licensee to comply with paragraph (1) of this subsection.”.

TELECOMMUNICATIONS DEMONSTRATIONS

SEC. 8. The Communications Act of 1934 is amended by adding after section 392 the following new section:

“TELECOMMUNICATIONS DEMONSTRATIONS

SEC. 392A. (a) It is the purpose of this section to promote the development of nonbroadcast telecommunications facilities and services for the transmission, distribution and delivery of health, education, and social service information. The Secretary is authorized, upon receipt of an application in such form and containing such information as he may by regulation require, to make grants to, and enter into contracts with public and private nonprofit agencies, organizations, and institutions for the purpose of carrying out telecommunications demonstrations.

“(b) The Secretary may approve an application submitted under subsection (a) if he determines: (1) that the project for which application is made will demonstrate innovative methods or techniques of utilizing nonbroadcast telecommunications equipment or facilities to satisfy the purpose of this section;

(2) that demonstrations and related activities assisted under this section will remain under the administration and control of the applicant;

(3) that the applicant has the managerial and technical capability to carry out the project for which the application is made; and

(4) that the facilities and equipment acquired or developed pursuant to the application will be used substantially for the transmission, distribution, and delivery of health, education, or social service information.

“(c) Upon approving any application under this section with respect to any project, the Secretary shall make a grant to or enter into a contract with the applicant in an amount determined by the Secretary not to exceed the reasonable and necessary cost of such project. The Secretary shall pay such amount from the sum available therefor, in advance or by way of reimbursement, and in such installments consistent with established practice, as he may determine.

1 ~~1001~~ (d) Funds made available pursuant to this section
 2 shall not be available for the construction, remodeling, or
 3 ~~3~~ repair of structures to house the facilities or equipment ac-
 4 quired or developed with such funds, except that such funds
 5 may be used for minor remodeling which is necessary for
 6 and incident to the installation of such facilities or equip-
 7 ~~7~~ ment.

8 ~~1002~~ (e) For purposes of this section, the term 'nonbroad-
 9 cast telecommunications facilities' includes, but is not limited
 10 to, cable television systems, communications satellite systems
 11 and related terminal equipment, and other methods of trans-
 12 mitting, emitting, or receiving images and sounds or intel-
 13 ligence by means of wire, radio, optical, electromagnetic or
 14 other means.

15 ~~1003~~ (f) The funding of any demonstration pursuant to this
 16 section shall continue for not more than three years from the
 17 date of the original grant or contract.

18 ~~1004~~ (g) The Secretary shall require that the recipient of
 19 a grant or contract under this section submit a summary and
 20 evaluation of the results of the demonstration at least an-
 21 nually for each year in which funds are received pursuant to
 22 this section.

23 ~~1005~~ (h) There are authorized to be appropriated \$1,000,-
 24 000 for the fiscal year ending June 30, 1976, and \$250,000
 25 for the period July 1, 1976 through September 30, 1976, to

1 carry out the provisions of this section. Sums appropriated
2 under this subsection for any fiscal year or period shall remain
3 available for payment of grants or contracts for projects for
4 which applications approved under this section have been
5 submitted within one year after the last day of such fiscal
6 year or period.”.

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By Mr. MACDONALD of Massachusetts, Mr. FREY,
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